



Department of Energy
Washington, DC 20585

Austin Evers
American Oversight
1030 15th St NW
Suite B255
Washington, DC 20005

NOV 3 2019

Via email: foia@americanoversight.org

Re: HQ-2019-01090-F

Dear Mr. Evers:

This is a final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested:

All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) involving Amanda “Mandy” Gunasekara or any employee or representative of the Energy 45 Fund (also referred to as Energy45), including but not limited to anyone using an email address ending in @energy45.org.

American Oversight requests that DOE search the following officials:

- i. Secretary Rick Perry, and anyone communicating on his behalf, such as a chief or deputy chief of staff, special or senior advisor, executive or special assistant, or scheduler;
- ii. Deputy Secretary Dan Brouillette, and anyone communicating on his behalf, such as a chief or deputy chief of staff, special or senior advisor, executive or special assistant, or scheduler;
- iii. Acting Under Secretary for Science and Energy Patricia Hoffman, and anyone communicating on her behalf, such as a chief or deputy chief of staff, special or senior advisor, executive or special assistant, or scheduler;
- iv. Under Secretary for Management and Performance Matthew Moursy and anyone communicating on his behalf, such as a chief or deputy chief of staff, special or senior advisor, executive or special assistant, or scheduler;



- v. Assistant Secretary for Fossil Energy Steven Winberg and anyone communicating on his behalf, such as a chief or deputy chief of staff, special or senior advisor, executive or special assistant, or scheduler; and
- vi. Assistant Secretary for Energy Efficiency and Renewable Energy Daniel Simmons and anyone communicating on his behalf, such as a chief or deputy chief of staff, special or senior advisor, executive or special assistant, or scheduler.

Please provide all responsive records from February 7, 2019, through the date of the search.

In email correspondence on August 7, 2019 between Mr. Hart Wood of your office, and Ms. Neichole Linhorst of my office, you indicated that you still wanted to search the records of Patricia Hoffman, currently Principal Deputy Assistant Secretary in the Immediate Office of the Assistant Secretary, Electricity and Matthew Moury, currently Associate Under Secretary for Environment, Health, Safety and Security in their current positions with DOE.

In email correspondence on August 22, 2019 between Mr. Hart Wood of your office, and Ms. Neichole Linhorst of my office, you amended your request to using just “@energy45.org” to search for communications with employees or representatives of the Energy 45 Fund, and searching for “Gunasekara” in the to/from/cc/bcc fields.

In email correspondence on October 18, 2019 between Mr. Hart Wood of your office, and Ms. Neichole Linhorst of my office, you amended your request to an email search of the email accounts for the requested custodians, and waived telephone logs, text messages, messaging platform messages, and the other material cited in your request.

Your request was assigned to DOE’s Office of the Executive Secretariat (ES), Office of Fossil Energy (FE), and Office of Energy Efficiency and Renewable Energy (EE) to conduct a search of its files for responsive documents. ES, FE, and EE started their search on August 21, 2019, which is the cut-off date for responsive documents. ES, FE, and EE has completed their searches but did not locate any documents responsive to your request.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any responsive documents for ES, FE, and EE. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no responsive records exist in ES, FE, and EE.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L’Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase “Freedom of Information Appeal” in the subject line (this is the method preferred by the Office of Hearings and Appeals). The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the

determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46 Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

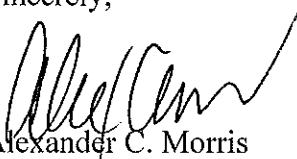
The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our July 10, 2019, letter, you were informed that your request had been placed in the "other" category for fee purposes. Requesters in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. DOE's processing costs did not exceed \$15.00, the minimum amount at which DOE assesses fees. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, you may contact me or Ms. Neichole Linhorst in this office at:

MA-46/Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C. 20585
(202) 586-1355

I appreciate the opportunity to assist you with this matter.

Sincerely,



Alexander C. Morris
FOIA Officer
Office of Public Information